



STATE OF WASHINGTON
GAMBLING COMMISSION

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**Commission Position Statement - House Bill 1667
February 23, 2004**

At its February 12 meeting, the Washington State Gambling Commission reviewed the position they had taken last year on House Bill 1667 and voted unanimously to reaffirm their position that the current law should not be changed. In addition, the Commission is concerned that this legislation will result in an unintended expansion in the number of gambling operations in the state.

For the past three sessions, the Commission has considered identical legislation, and while expressing the Commission's respect for local jurisdictions, they voted to direct staff to oppose the legislation, given the historical foundation of the Revised Codes of Washington regarding gambling. The reasoning of the Commission, consistent with the advice of their Assistant Attorney General is as follows:

- Zoning issues are difficult and land use decisions do not occur independent of other issues in local government. Local jurisdictions currently have, and should retain zoning power to control the following and similar issues:
 - Restricting businesses to areas appropriately zoned for such commercial activity
 - Building size, including setbacks
 - Signage and lighting
 - Parking issues, including vehicle ingress and egress, lot size, and vehicle spaces per square foot of an establishment
 - Compliance with the Uniform Building Code
- This legislation could draw the state and the Commission into additional litigation. The proposed legislation would confuse rather than clarify the relationship between state and local government regarding the regulation of gambling activities. The result would be litigation as to



the bill's relationship and interaction with the existing preemption of local authority that is contained in the Gambling Act.

- The gambling statute was written, and the Commission created, to address the corruption and problems that resulted from the tolerance policies in Seattle, King County, and elsewhere in the state. The result was state preemption in this area of law giving the cities and counties the choice whether to allow gambling or not. One of the real goals was to avoid spot zoning or picking and choosing which kind of licensees would be allowed. The existing law was designed to protect government and the public against the potential practice of favoring certain licensees or allowing some to operate in exchange for rewards to officials. The changes proposed in these bills create the potential for this problem to occur. Certain existing locations could be granted a non-conforming use exception, eliminating other competition and effectively shifting the authority to determine who is qualified from the Commission to the local jurisdiction. This result is the precise predicament the law was intended to prevent.
- A community could establish a "red-light" district, pick a place outside of town, which was undesirable, choose a manufacturing area, or select some place that would (in the long run) allow a local jurisdiction to bunch all of the gambling establishments together. This result would fail the purpose of the enabling statute, implemented to preclude such a thing.
- This legislation will in effect, have the unintended consequence of expanding gambling. At this point a number of cities have chosen to totally prohibit gambling because that is their only option. This proposal would allow them to now choose the option to allow gambling in some zones instead of a total local prohibition.

In conclusion, the Commission acknowledges that although some communities are seeking additional authority beyond the current law, the best interests of the state of Washington support the existing statutory language.